

PATENT

Docket No. 979-243

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Moliton et al.  
Serial No. : 10/589,313  
Filed : August 10, 2006  
For : AN OPHTHALMIC LENS AND A DISPLAY INCLUDING SUCH A LENS AND AN  
OPTICAL IMAGER

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached Petition to Withdraw Holding of Abandonment w/ Exhibits, Copy of Notice, and Return Postcard, along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, V.A. 22313-1450.

Respectfully submitted,

SOFER & HAROUN, L.L.P.

By:   
Valentina Papraniku

Date: July 14, 2008

Mailing Address:

SOFER & HAROUN, L.L.P.  
317 Madison Avenue, Suite 910  
New York, New York 10017  
Tel:(212)697-2800  
Fax:(212)697-3004  
Customer No.: 39600



IAP16 Rec'd PCT/PTO 14 JUL 2008

Attorney Docket No. 979-243

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----X  
In re Application of

Examiner: TBA

Moliton et al.

Group Art Unit: TBA

Serial No.: 10/589,313

Filed: August 10, 2006

IA - Filing Date: February 17, 2005

For: AN OPHTHALMIC LENS AND A DISPLAY INCLUDING SUCH A LENS AND  
AN OPTICAL IMAGER

-----X

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

**Mail Stop Petition**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

SIR:

In connection with the above-referenced application, a National Phase Patent Application was mailed on August 10, 2006. A Notice of Abandonment was mailed on July 9, 2008 indicating that the patent application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)). A copy of the Notice of Abandonment is attached.

Applicants respectfully submit that the abandonment of this application is in error

Application No. 10/589,313  
Petition Dated July 14, 2008

and request withdrawal of the abandonment.

This application is a National Phase application of PCT/FR2005/050100, which has a priority date of February 18, 2004 based on French Patent Application No. 04 50294. As such, the 30 month priority deadline for meeting the requirements of 37 CFR 1.495 is August 18, 2006.

Applicants note that the original mailing of the application was received as of August 10, 2006 where it was assigned its current serial number 10/589,313. A copy of the stamped postcard is attached as Exhibit 1. (Applicants note that the date stamp of September 19, 2006 is an internal stamp when the card was received back from the U.S. Patent Office.)

Also attached to this Petition as Exhibit 2 is a copy of the U.S. National Phase Transmittal document that was enclosed with the original filing (see post card item #2). The top of page 3 of the Transmittal indicates, in checked item b), that the filing fee is to be charged to deposit account 19-2825, order number 979-243. Furthermore, checked item c) indicates that any additional charges may be billed to the same deposit account and order number.

Applicants respectfully submit that this authorization, submitted prior to the 30 month deadline of August 18, 2006, is sufficient to meet the requirements of 37 CFR 1.495.

In order to facilitate the handling of this matter, and upon the presumption that the National Phase fee was not charged for this application as per Applicant's instructions, a check in the amount of \$1000 is enclosed to cover the filing fee. Applicant requests that the Petitions office, upon handling of this petition forward the check appropriately to

Application No. 10/589,313  
Petition Dated July 14, 2008

ensure proper processing of this file. If necessary, Applicant authorizes the withdraw of any additional necessary fees from deposit account 19-2825 order number 979-243. If such deposit account is required, Applicants request a courtesy call to advise of the withdrawal.

In view of the foregoing, Applicants respectfully submits that the application as filed was in order and included all of the requirements of 37 CFR 1.495 prior to the 30 month deadline and request that the abandonment be withdrawn and that the application proceed to substantive examination. If the Petitions Examiner feels that an interview would facilitate the handling of this matter they are invited to contact the undersigned at the number listed below.

Respectfully submitted,

SOFER & HAROUN, L.L.P.

Dated: 7/14/08

By: 

Joseph Sofer  
Reg. No 34,438  
317 Madison Avenue, Suite 910  
New York, NY 10017  
Tel: 212-697-2800  
Fax: 212-697-3004  
Customer # 39600

# **EXHIBIT 1**

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

IAP7 Rec'd PCT/PTO 10 AUG 2006

Sir: Please stamp the date of receipt and the serial number, if appropriate, hereon, and return by mailing. Thank you.

Documents:

10/589313

- |                                 |                              |
|---------------------------------|------------------------------|
| 1. National Stage Appl. (14 ps) | 6. Amendment Transmittal     |
| 2. National Stage Transmittal   | 7) Formal Drawings (3 pages) |
| 3. Return Postcard              | 8) International Patent Pub. |
| 4. Express Mail Certificate     | 9) IDS w/ Form PTO 1449      |
| 5. Preliminary Amendment        | 10) 4 References             |

RECEIVED SEP 19 2006

Date Documents Mailed: June 10, 2005

-----For Application-----

Title: AN OPHTHALMIC LENS AND A DISPLAY...

Serial No. TBA

Applicant: Moliton et al.

Art Unit: TBA

Filing Date: August 10, 2006

Docket No.: 979-243

Attorney: Joseph Sofer

# **EXHIBIT 2**

Docket No. : 979-243  
 U.S. Application No. : TBA  
 International Application No.: PCT/FR2005/050100  
 International Filing Date. : February 18, 2004 (18 February 2004)  
 Title of Invention : AN OPHTHALMIC LENS AND A DISPLAY INCLUDING SUCH A LENS AND AN OPTICAL IMAGER  
 Applicant(s) for (DO/EO/US) : Moliton et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and of

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures 35 U.S.C. 371 (f) at any time rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest c
5. ☒ A copy of the International Application cover sheet as filed [35 U.S.C. 371(c) (2)].
  - a) ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b) ☐ has been transmitted by the international Bureau.
  - c) ☐ is not required, as the application was filed in the United States Receiving Office (RO/US
6. ☒ A translation of the International Application into English [35 U.S.C.371(c) (2)].
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C.371(c) (3)].
  - a) ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b) ☐ have been transmitted by the International Bureau.
  - c) ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
  - d) ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 [35 U.S.C.371(c) (3)].
9. ☐ An unsigned oath or declaration of the inventor(s) [35 U.S.C.371(c) (4)].
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [

Items 11. to 16. below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 198.
12. ☐ An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is
13. ☒ A **FIRST** preliminary amendment to be entered at filing.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ (other items or information)

EXPRESS MAIL No.: EV 900991557 US Deposited: August 10, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

August 10, 2006

Valentina Papraniku

Date



17. X The following fees are submitted:

**BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]:**

X Basic National Stage Fee, ..... \$ 300.00

\_\_\_ National Stage Search Fee- U.S. was the ISA:..... \$ 100.00

\_\_\_ National Stage Search Fee- search report prepared and provided to USPTO..... \$ 400.00

\_\_\_ National Stage Search Fee- All other situations:..... \$ 500.00

\_\_\_ National Stage Examination Fee- U.S. was IPEA, and all claims  
satisfy PCT Article 33(1)-(4)..... \$ 100.00

\_\_\_ National Stage Examination Fee- all other situations:..... \$ 200.00

\_\_\_ National Stage Application Size Fee- for each additional 50 sheets..... \$ 250.00

ENTER APPROPRIATE BASIC FEE AMOUNT: || 900.00 ||

Surcharge of \$ 130.00 for furnishing the oath or declaration later than 20 30 months  
from the earliest claimed priority date [37 CFR 1.492(e)]

(Claims are based on Preliminary Amendment filed herewith)	Claims	filed	Extra	Rate
Total Claims	8-20=	0 x	\$ 50.=	
Indep. Claims	1-3=	0 x	\$ 200. =	
Multiple Dependent Claims (if applicable) +			\$ 360.=	\$

TOTAL OF ABOVE CALCULATIONS

Reduction by ½ for filing by small entity, if applicable. Verified Small Entity  
Statement must be filed also. [Note 37 CFR 1.9, 1.27, 1.28]

(divided by 2)

SUBTOTAL:

Processing fee of \$ 130.00 for furnishing the English Translation later than 20 30 months  
from the earliest claimed priority date [37 CFR 1.492(f)]

TOTAL NATIONAL FEE

Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be  
accompanied by an appropriate cover sheet [37 CFR 3.28, 3.31].

TOTAL FEES ENCLOSED:

AMOUNT TO BE REFUNDED:

AMOUNT TO BE CHARGED:

a) ☐ A check in the amount of \$900.00 to cover the above fees is enclosed.

b) ☒ Please charge my Deposit Account No. 19-2825 in the amount \$ 900.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c) ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit overpayment to Deposit Account No. 19-2825, order number 979-243. A duplicate copy of this sheet is

NOTE: Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

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SEND ALL CORRESPONDENCE TO Joseph Sofer, Esq.

Sofer & Haroun, LLP  
317 Madison Avenue  
Suite 910  
New York, NY 10017  
Customer No.: 39600

Joseph Sofer

Name

signature

8/16/06

34,438

Reg. No.

August

Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/589,313	Renaud Moliton	979-243

39600

SOFER & HAROUN LLP.

317 MADISON AVENUE, SUITE 910

NEW YORK, NY 10017

INTERNATIONAL APPLICATION NO.	
PCT/FR05/50100	
I.A. FILING DATE	PRIORITY DATE
02/17/2005	

**CONFIRMATION NO. 8384**  
**371 ABANDONMENT/TERMINATION**  
**LETTER**



Date Mailed: 07/09/2008

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**IAP7 Rec'd PCT/PTO 10 AUG 2006**

Docket No. : 979-243  
U.S. Application No. : TBA  
International Application No.: PCT/FR2005/050100  
International Filing Date. : February 18, 2004 (18 February 2004)  
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  - c) ☐ have not been made; however, the time limit for making such amendments has NOT expired.
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10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

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Valentina Papraniku

Date